IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 841 OF 2003

Keshav Joti Dhanawade & ors. ... Appellants.
Versus.
Gopal Bapuji Patil
(since deceased through LRs.)
Baburao Gopal Patil & ors. ... Respondents.

Shri K.B.Sonwalkar for the Appellants.

CORAM : ABHAY S. OKA, J.

DATED : 6th April, 2005.

P.C.:

1. The Second Appeal is by unsuccessful Plaintiffs. The challenge in the suit, in substance is to registration of a society under the Maharashtra Cooperative Societies Act, 1960. The trial Court passed a decree of declaration in favour of the Appellants/Plaintiffs. The Appellate Court has recorded a finding that the Cooperative Society which was duly registered during the pendency of the suit was a necessary and proper party to the suit. The Appellate Court, therefore, reversed the decree passed by the trial Court and dismissed the suit filed by the Appellants. After having heard the learned Counsel appearing for the Appellants, I find no infirmity in the view taken by the Appellate Court that the Cooperative Society was a necessary and proper party to the suit. More over the Appellants have not challenged the registration of the society by adopting the remedies

permitted under the Maharashtra Cooperative Societies Act, 1960.

2. In view of this position no substantial question of law arises. The Second Appeal is dismissed with no order as to costs.

Judge.